

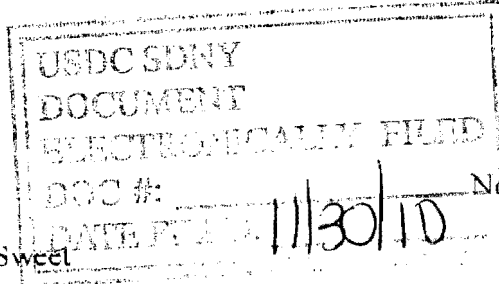
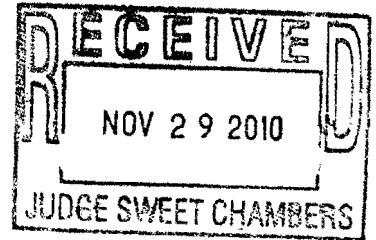
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November 29, 2010

Via Fax 212 805-7925
 Hon. Judge Robert W. Sweet
 United States Judge
 United States District Court
 Daniel Patrick Moynihan Courthouse
 For the Southern District of New York
 500 Pearl Street, Suite 1620
 New York, NY 10007-1312

*Soo ordered
 Dunitus
 11.29.10*

Re: It's a 10, Inc. v. Ph Beauty Labs, Inc. et al. 10 CV 972 (RWS)

Dear Judge Sweet:

We represent Plaintiffs It's a 10, Inc. and Carolyn Plummer in the referenced action.

We are contacting the court *jointly* with the consent of the Defendants to request an adjournment of the conference with the Court currently scheduled for December 6, 2010. This is the second request for an adjournment of this conference and the reasons for this request are as follows:

The parties have agreed upon a settlement which has been reduced to a written settlement agreement but the settlement agreement has not been executed. The settlement agreement requires certain representations from Defendant Pathmark Stores, Inc. in connection with its sales and inventory of the allegedly infringing products and Pathmark is in the process of obtaining this information. The Parties met with Magistrate Francis on November 24, 2010 to discuss the date on which Pathmark can provide this information and Pathmark agreed that it would supply the necessary information on or before December 20, 2010. Therefore, the Parties expect to promptly conclude the settlement pending the information regarding Pathmark's representations.

In view of the foregoing, the parties do not believe that the December 6, 2010 conference will have to be re-scheduled and the parties will advise the Court promptly when the settlement has been concluded.

The parties therefore jointly request an adjournment of the December 6, 2010 conference.

Respectfully Submitted,


Edward P. Kelly

Cc: W. Michael Lee, Esq.
Brian W. Brokate, Esq.
Attorney for Defendants
Ph Beauty Labs, Inc.
and Freeman Beauty, a Division of Ph Beauty Labs, Inc.;
and Bed Bath & Beyond, Inc.
Via Fax and email

Arlana S. Cohen, Esq
Attorney for Defendant Pathmark Stores Inc.
Via fax and email
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Encl.